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November 17, 2023

VIA ECF

Magistrate Judge Lehrburger
The Honorable Robert W. Lehrburger
United States District Court Southern District of New York
500 Pearl Street, Courtroom 18D
New York, NY 10007

Re: *Hafizov v. BDO USA, LLP, et al.*; Case No.: 1:22-cv-08853 (JPC) (RWL)

Dear Magistrate Judge Lehrburger:

Defendants BDO USA, P.C. (“BDO”), Janet Bernier and Matthew Dyment (together, the “Defendants”) respectfully submit this letter in order to withdraw their pre-motion letter dated November 13, 2023 (the “Letter”) to strike or preclude the Declaration of Andrew Greiner due to his unavailability as a witness, filed at ECF No. 138.

On November 16, 2023, Mr. Greiner contacted me directly via e-mail, and said that he had seen the Letter on the public docket, and that he was willing to accept service of the subpoena that day. Mr. Greiner was successfully served with a subpoena on November 16.

Since Mr. Greiner has “coincidentally” checked the public docket during the very same week that Defendants moved to strike his testimony, after repeated service attempts and efforts to contact him through Plaintiff’s counsel otherwise failed, the Letter is now moot and Defendants withdraw their Letter.

Respectfully,

Lindsay F. Ditlow

cc: All counsel (via ECF)

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